

Express Mail Label No. EV676907750US
U. S. Patent Application No. 09/788,179
Amendment Dated July 12, 2006
Reply to Office Action Dated March 2, 2006

Amendments to the Drawings

The attached Fig. 2 includes changes. In Fig. 2, smart card 19 has been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

Remarks

Claims 21-29, 30-34, 40-47 stand rejected under *35 U.S.C §112*, first paragraph as failing to comply with the written description requirement. Claims 21-23-46, 58 and 65-71 stand rejected under *35 U.S.C. §102(e)* as being anticipated by U. S. Patent No. 6,315,195 to Ramachandran (“Ramachandran”). Claims 22 and 47 stand rejected under *35 U.S.C. §103(a)* as being unpatentable over Ramachandran in view of U. S. Patent No. 6,076,731. Claims 59-64 stand rejected under *35 U.S.C. §103(a)* as being unpatentable over Ramachandran in view of U. S. Patent No. 6,714,665 to Hanna, et al (“Hanna”).

Regarding claims 21, 23-46, 58, and 65-71, claims 21, 23-46, 58, and 65-71 stand rejected under *35 U.S.C. §112* as failing to comply the with the written description requirement. Applicants have further reviewed the language of the claims in connection with the language of the specification and have amended certain claims so that the claims language is more consistent with the language of the specification. As for the Examiner’s assertion that “Applicant does not show the support of the first type or second type of card identification and the control circuit that is designed to work with two types of cards,” the Examiner’s attention is directed to *e.g.*, the circuit diagram of Fig. 2 showing a control circuit 40 in communication with an image sensor 32 and a card reader 14. The Examiner’s attention is also directed to the flow diagram of Fig. 4d in which a process including a processing of two different cards is described. As explained *e.g.*, at page 32, first paragraph, “After reading the mag stripe encoded data at block 154, control circuit 40 may then at block 156, compare the card data determined by image analysis of card to the identification card reader determined by mag stripe reader 14.” In addition, original claim 14 recited “a card reader...further comprising a mag stripe reader, wherein the control circuit is adapted to...read said mag stripe of said second card to generate a second decoded message from a second card.” For further support, applicants’ add text to page 32. The added text summarizes the information shown in Fig.2 and in original claim 14 and does not include new matter. There is additional support for claim 1 throughout the specification. For example, at page 3, there is described a control circuit that can “compare the data determined from two separate cards. As another example, at page 6, lines 10-12 there is described a

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magnetic stripe reader 14 “that allows decoding of magnetic stripe reading information from identification card 16 in the case the card includes a magnetic stripe.” Also, there is described at page 10, lines 11-14 that “Processor 42 may also receive electrical signal information from magnetic stripe reader 14 as digitized by A/D converter 36-2. Processor 42 is described in an exemplary embodiment as part of control circuit 40 (see e.g., Fig. 2). The description also provides support for a communication between the control circuit and a card reader where the card reader is not optical based or mag stripe based. For example, the specification states processor 42 may also receive electrical signals from a smart card reader (not shown), or another data input source. (page 10, lines 12-14). Applicants have amended Fig. 2 so that Fig. 2. includes a depiction of a smart card reader in communication with processor 42 as described in the written description so that the drawings are brought into greater conformity with the written description. Also, p. 10 is amended to include a reference to a smart card reader 19, as shown in Amended Fig. 2.

Regarding claim 21, the Examiner states: “the Applicant does not disclose the support of the exactly claimed limitation ‘a’ and limitation ‘b.’” The Examiner’s attention is respectfully drawn to the Manual of Patent Examining Procedure which states: “However, it is not a requirement that an applicant deploy in the claims identical terms as used in as patent specification. Exact terms need not be used *in haec verba* to satisfy the written description requirement of the first paragraph of 35 U.S.C. §112.” *Esilestein v. Frank* 52 F.3d 1035 (Fed. Cir. 1995). Cited in MPEP §1302.01. Also, only substantial correspondence between the language of the claims and the language of the specification is required.” 37 C.F.R. §1.121(e). Cited in MPEP §1302.01.

For the above reasons it is respectfully asserted that claims 21-29, 30-34, 40-47 comply with the written description requirement. Further it is respectfully requested that the rejection of claims 21-29, 30-34, 40-47 under 35 U.S.C. §112 be withdrawn.

Regarding claims 21, 23-46, 58 and 65-71, claims 2, 23-46, 58 and 65-71 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ramachandran.

Regarding claim 21, claim 21 is amended for purposes of expediting an allowance, the limitations of original claim 28 reciting features relating to a lookup table for storing said predetermined control operation parameters based upon the card type. In rejecting claim 28 the Examiner stated: “Regarding claim 28, Ramachandran further teaches the card reader which further comprises a lookup table for storing said predetermined control operation parameters based on the card type detected by the data input unit (memory that is uniquely for user’s data for retrieval and identification) (column 4, lines 60-67). It is emphasized that the amendment to claim 21 is for purposes of expediting an allowance as applicants reserve the right to prosecute the subject matter of claim 21 amendment in another application (e.g., a continuation application). The referenced section of Ramachandran is as follows.

The memory on the card may further include data representative of an access code as well as instructions to minimize the risk that an unauthorized user may gain access to the data stored in memory. Alternatively, the card memory may further include data uniquely associated with the user as fingerprint data or other biometric data. The terminal preferably includes a reader for reading such data to assure that the user is the person authorized to use the card. *Ramachandran U. S. Patent No. 6,315,195, column 4, lines 59-67.*

Applicants respectfully assert that the referenced section of Ramachandran does not teach a lookup table for storing said predetermined control operation parameters based upon the card type detected by the data input unit. Applicants have tried but could not identify a teaching in the referenced section relating to a lookup table for storing predetermined control operation parameters based upon card type. If the Examiner wishes to maintain the rejection based upon the referenced section of Ramachandran, the Examiner is respectfully requested to explain why the Examiner regards the referenced section to contain a teaching of a lookup table for storing a predetermined control operation parameter based on card type.

Regarding claim 30, the Examiner has presented a rejection of claim 30 which does not consider all of the elements of claim 30. The Examiner’s rejection of claim 30 is as follows: “For claim 30, please refer back to claim 21 and 25 for the teachings and explanations.” However, claims 21 and 25 do not recite the same combination of elements as are recited in claim 30. For example, neither claim 21 nor 25 recites “decoding signals from said data input unit in accordance with predetermined control operation parameters correlated with said one or more types of cards.” Accordingly, the examiner has not presented a rejection of claim 30 in which all of the combinations of elements of claim 30 are considered. Also a plurality of claims should never be grouped together in a common rejection, unless the

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rejection is equally applicable to all claims in the group. MPEP §707(d). Because the rejection of claim 30 does not consider all of the elements recorded therein, and is grouped improperly with the rejections of claims 21 and 25, it is respectfully submitted that the rejection of claim 30 be withdrawn.

Regarding claim 40, the Examiner has presented a rejection of claim 40 that does not consider all of combination of elements of claim 40. The Examiner's rejection of claim 40 is as follows: "For claim 40-46, please refer back to claims 21 and 25 for the teachings and explanations." However, claims 21 and 25 do not recite the same combination of elements as are recited in claim 40. For example, neither claim 21 nor claim 25 recite "a processor system having a control circuit for processing data signals from said first card reader and from said second card reader in order to verify the validity of said first identification card and to make a comparison match with identifying information stored in said external database." Accordingly, the Examiner has not presented a rejection of claim 40 in which all of the elements of claim 40 are considered. A plurality of claims should never be grouped together in a common rejection unless that rejection is equally applicable to all claims in that group. MPEP § 707(d). Because the rejection of claim 40 does not consider all of the elements recited therein in combination, and is grouped improperly with the rejection of claims 21 and 25, it is respectfully requested that the rejection of claim 40 be withdrawn.

Regarding claim 58, the Examiner's rejection of claim 58 is as follows: "For claim 58, please refer back to claims 1 (sic) and 28." The Examiner's rejection of claim 58 is not understood since claim 58 recites a combination of elements quite different than claim 21. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group. *MPEP §707(d)*. Further the Examiner has not established, and has not even alleged that the prior art has all of the elements of claim 58. For anticipation to be established, an Examiner must establish that a single prior art reference has all of the elements of claim 58. For example, claim 58, in combination with numerous additional elements recites "an imaging assembly including a two dimensional image sensor, said imaging assembly having an imaging axis that extends outwardly from said housing; and in combination with a control circuit in communication

with said memory, wherein said control circuit is in communication with a lookup table, said lookup table correlating a type of card with one or more operating parameters of said card reader, each of said one or more operating parameters effecting image data captured by said card reader utilizing said imaging assembly, wherein said control circuit is configured to (i) capture image data corresponding to said card utilizing said imaging assembly; (ii) process said captured image data to determine a card type; and (iii) through table lookup utilizing said lookup table, set one or more of said operating parameters of said card reader effecting image data captured by said card reader.” If the Examiner wishes to maintain the rejection of claim 58, the Examiner is respectfully requested to explain where there is a combination of an imaging assembly including a two dimensional image sensor, said imaging assembly having an imaging axis that extends outwardly from said housing; and in combination with a control circuit in communication with said memory, wherein said control circuit is in communication with a lookup table, said lookup table correlating a type of card with one or more operating parameters of said card reader, each of said one or more operating parameters effecting image data captured by said card reader utilizing said imaging assembly, wherein said control circuit is configured to (i) capture image data corresponding to said card utilizing said imaging assembly; (ii) process said captured image data to determine a card type; and (iii) through table lookup utilizing said lookup table, set one or more of said operating parameters of said card reader effecting image data captured by said card reader.” in combination with the remaining combination of elements recited in claim 58.

Regarding claim 68, the Examiner’s rejection of claim 68 is as follows: “For claim 68, please refer back to claims 1 (sic) for further teachings and explanations.” The Examiner’s rejection of claim 68 is not understood since claim 58 recites a combination of elements quite different than claim 21. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group. *MPEP §707(d)*. Further, the Examiner has not established, and has not even alleged that the prior art has all of the elements of claim 68. For anticipation to be established an Examiner must establish that a single prior art reference has all of the elements of claim 68. For example, claim 68, in combination with numerous additional elements, recites an imaging assembly including a two dimensional image sensor, said imaging assembly having

an imaging axis that extends outwardly from said housing; and in combination with a control circuit in communication with said memory, wherein said control circuit is in communication with a lookup table, said lookup table correlating a type of card with decodable data form types present with each card type, wherein said control circuit is configured to (i) capture image data corresponding to said card; (ii) process said captured image data to determine a card type; (iii) executes a table lookup utilizing said lookup table (iv) activates a first set of decoding algorithms in response to said table lookup if said control circuit determines that said card is of a first type; and (v) activates a second set of decoding algorithms in response to said table lookup if said control circuit determines that said card is of a second type. If the Examiner wishes to maintain the rejection of claim 68, the Examiner is respectfully requested to explain where there is a combination of an imaging assembly including a two dimensional image sensor, said imaging assembly having an imaging axis that extends outwardly from said housing; and a control circuit in communication with said memory, wherein said control circuit is in communication with a lookup table, said lookup table correlating a type of card with decodable data form types present with each card type, wherein said control circuit is configured to (i) capture image data corresponding to said card; (ii) process said captured image data to determine a card type; (iii) executes a table lookup utilizing said lookup table (iv) activates a first set of decoding algorithms in response to said table lookup if said control circuit determines that said card is of a first type; and (v) activates a second set of decoding algorithms in response to said table lookup if said control circuit determines that said card is of a second type in combination with the remaining combination of elements recited in claim 58.

Regarding the claims discussed herein, the applicants' selective treatment and emphasis of independent claims of the application should not be taken as an indication that the applicants believe that the Examiner's dependent claim rejections are otherwise sufficient. In fact, it is noted in the March 2, 2006 Office Action, that the dependent claims are rejected without substantial, and in certain instances, without any reference to the limitations of the dependent claims in combination with the base claim elements. In rejecting claims for want of novelty or for obviousness, the Examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that

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claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. *37 C.F.R. §1.104 (d)(2)*.

While the applicants have concentrated on the independent claims for purposes of demonstrating insufficiency of the Examiner's rejections, the lack of discussion respecting the dependent claims should not be taken as an indication that the applicants believe that the rejections of the dependent claims are otherwise correct. Applicants expressly reserve the right to present arguments supporting patentability of the dependent claims in a future response. Further, while the applicants herein may have highlighted a particular claim element for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicants highlighting of a particular claim element for such purpose should not be taken to indicate that the applicants have taken the position that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present.

No Amendment presented herein contains new matter.

Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

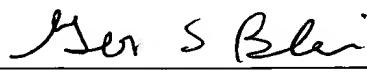
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The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: July 12, 2006


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ANNOTATED DRAWING

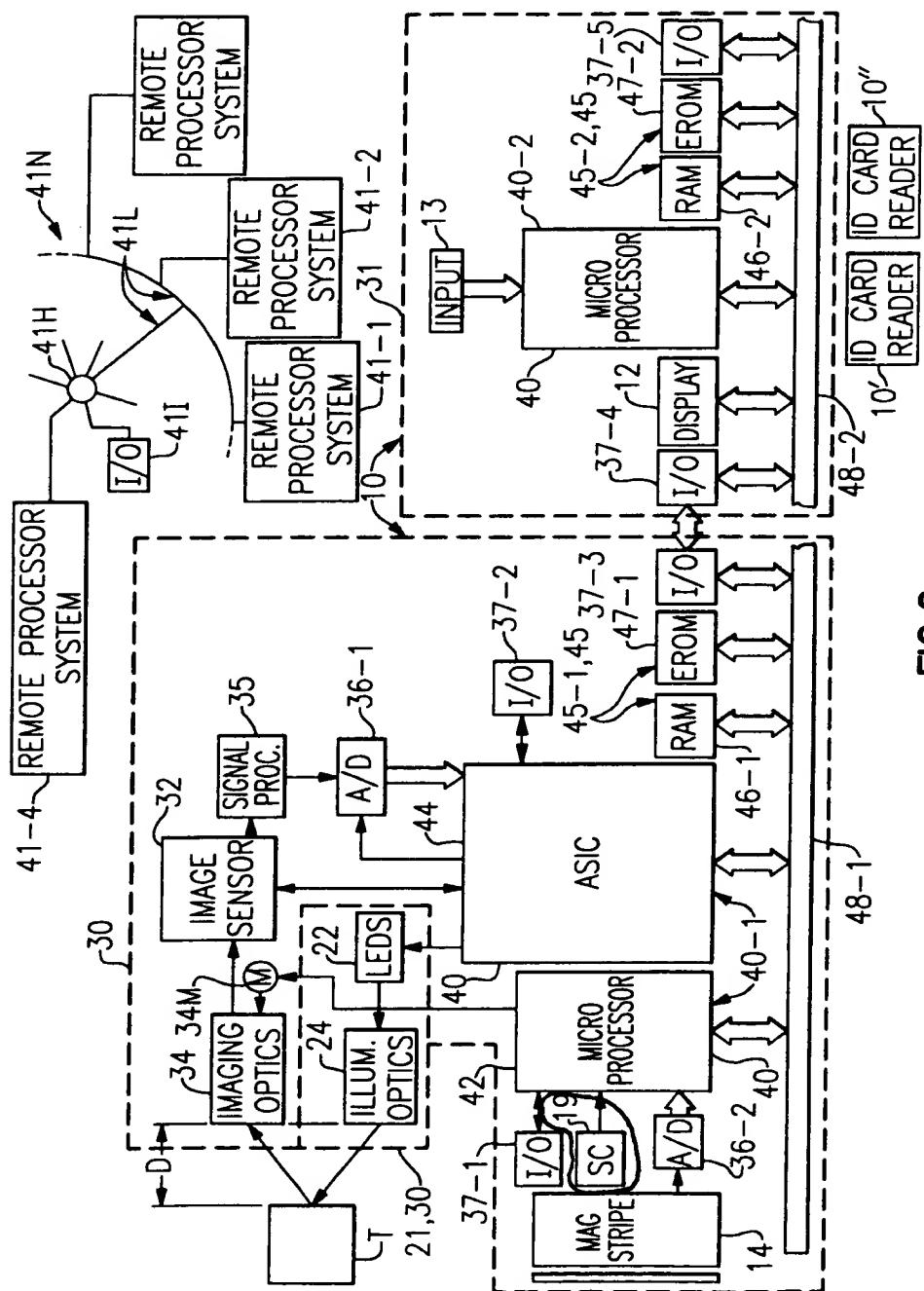


FIG.2